

CITY BOARD OF ZONING APPEAL #05007

DATE: June 14, 2005

DATE SCHEDULED FOR PUBLIC HEARING: June 24, 2005

LOCATION: Generally located at Oxford Road and St. James Drive.

ADDRESS: 7225 Oxford Road.

LEGAL DESCRIPTION: See attached.

APPLICANT: J. Michael Rierden
645 M Street #200
Lincoln, NE 68508
(402) 476-2413

LOT AREA: 0.30 acres, more or less.

ZONING: R-1, Residential.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-1
South:	Residential	R-1
East:	Residential	R-1
West:	Residential	R-1

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.11.080(a), L.M.C. requires a side yard setback of 10 feet. A variance of the side yard setback from 10' to 7'9" is requested.

Section 27.11.080(a), L.M.C. requires a rear yard setback of 24 feet. A variance of the rear yard setback from 24' to 16'8" is requested.

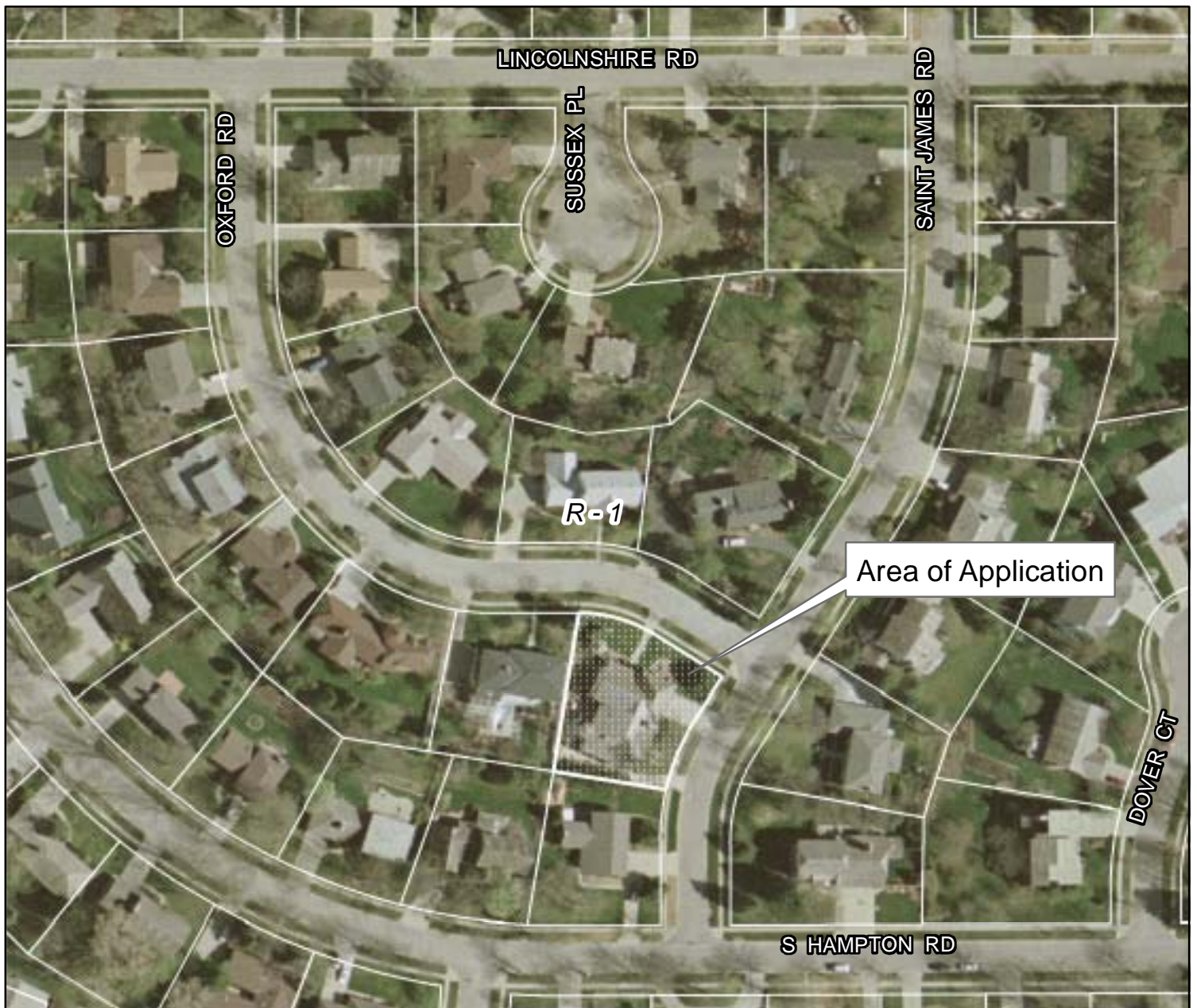
STAFF FINDINGS:

1. This is a request to add a room onto an existing house. The addition is proposed to be approximately 14' by 30'
2. The applicant indicated the administrative official erred by not checking the distance to the adjacent property line and that the official survey shows a side yard of 7'9" and rear yard of 7'3".

3. The lot is a corner lot, which causes it to have frontage on two intersecting streets. A front yard is required along both street frontages. The front yard setback in the R-1 district is 30'. Corner lots are common throughout the city.
4. The lot is large, approximately 1/3 of an acre. The minimum lot area in the R-1 district is 9,000 square feet. This lot has approximately 13,770 square feet of area, meaning the lot is approximately 50% larger than the minimum for the district.
5. The lot is typical of other lots with no drastic grade changes nor an atypical lot configuration. The lot is typical of corner lots in Lincoln.
6. The existing house is large and larger than most other houses in the neighborhood. The existing house is approximately 5,000 square feet. Many of the properties in the neighborhood are only half the square footage and some are less than half.
7. Board of Zoning Appeals #2086 was denied on this property June 30, 1995 to vary the rear yard setback from 26.2' to 17' for an addition to the house.
8. The Building and Safety Department indicated a permit history with this property in their attached comments.
9. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
10. It appears that the property owner has reasonable use of their property without a variance. It appears that the property is substantially similar to other properties in the neighborhood. Other corner lots have the same issues throughout Lincoln.
11. If this appeal were not granted, the property owner could build a smaller addition outside the required setback area.

Prepared by

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Planner



2002 aerial

Board of Zoning Appeals #05007 7225 Oxford Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 34 T10N R7E

